

P027.03 - Application No. 10/665,882
Reply to Examiner's Answer mailed July 5, 2007

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REMARKS

Applicant thanks the Examiner for his thoughtful review of the application as set forth in the **Examiner's Answer** mailed **July 5, 2007**. The Applicant notes with appreciation that **Claims 11, 19 – 21, and 26** are allowable. The amendments to the specification and the claims are described below in the **Present Amendment**. The status of the present application is as follows: **(a) Claims 11, 19 - 21, 26, and 29 - 31** are Pending; **(b) Claims 11, 19 - 21, and 26** have been **Amended** herein to overcome the Examiner's Objections to those claims as being dependent upon a rejected base claim; **(c) Claims 29 – 30** have been **Amended** herein to depend from independent **Claim 11**; and **(d) Claims 1 – 10, 12 – 18, 22 – 25, and 27 – 28** have been **Cancelled** herein.

i. PRESENT AMENDMENT

a. Dependent **Claim 11** was amended into independent form to include the limitations of cancelled independent **Claim 1** and cancelled dependent **Claim 5**. Dependent **Claims 19** was amended into independent form to include the limitations of cancelled independent **Claim 1**. Dependent **Claims 20 – 21** depend from amended **Claim 19** and inherit all of its limitations and therefore were not amended herein. Dependent **Claim 26** was amended into independent form to include the limitations of cancelled independent **Claim 1**. Dependent **Claims 29 - 30** have been amended to depend from now independent **Claim 11** and have been amended for appropriate antecedent basis.

b. Paragraph **[0001]** of the **Specification** was amended herein to disclaim domestic priority to Application No. **10/330,512** and to delete the Continuation-In-Part (CIP) designation of the present application because the subject matter recited in allowed **Claims 11, 19 – 21, and 26** is not common to both the present application and Application No. **10/330,512**. A Supplemental Application Data Sheet (SADS) will be submitted along with this reply to delete the CIP designation and to delete the claim of domestic priority to Application No. **10/330,512**. The SADS will also amend the

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Attorney Docket Number to **P027.03**. Furthermore, Application No. **10/330,512** was added to the related applications section of Paragraph **[0001]**. No new matter was introduced by the amendments to the specification and the claims.

ii. **INTERVIEW SUMMARY UNDER 37 C.F.R. §1.133 AND MPEP §713.04**

A telephonic interview with Examiner William F. Kraig, Attorney Morgan Malino, and Attorney Trueman Denny was held on **Friday, August 3, 2007**. In that interview, Examiner Kraig concluded a reply under **37 C.F.R. §41.33** would be responsive to the Examiner's Answer mailed **July 5, 2007**. Examiner Kraig and Applicant agreed that the reply under **37 C.F.R. §41.33** should be faxed to the USPTO Central Fax Number (571-273-8300) and that the reply would be considered timely filed if received on **Monday, August 6, 2007**, which would also be the last day a Rebuttal Brief could be timely filed under **37 C.F.R. §41.71**.

Examiner Kraig also agreed that if the subject matter recited in objected to **Claims 11, 19 – 21, and 26** was no longer supported by its parent application then amending the Specification to disclaim domestic priority and to delete the Continuation-In-Part designation would be appropriate.

Finally, Examiner Kraig indicated that **MPEP § 1206** states, "If the examiner determines that an amendment clearly places the application in condition for allowance, the examiner may enter the amendment and allow the application."

iii. **DISCUSSION**

Rejection of Claims 1 – 31 under 35 U.S.C. § 102(e) (U.S. 6,759,249 to Zhuang)

a. The rejections of **Claims 1 – 10, 12 – 18, 22 – 25, and 27 – 28** in view of the cited sections of *Zhuang* are mooted by the cancellation of those claims.

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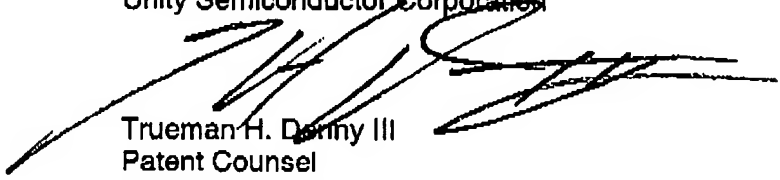
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b. As amended herein, **Claims 11, 19 – 21, and 26** are not anticipated under **35 U.S.C. § 102(e)** in view of the cited sections of *Zhuang* because all of the claim limitations are not explicitly or inherently disclosed in the cited sections of *Zhuang*. Therefore, **Claims 11, 19 – 21, and 26** are patentably distinct and non-obvious in view of the cited sections of *Zhuang* and the rejection of **Claims 11, 19 – 21, and 26** ought to now be withdrawn. Consequently, **Claims 11, 19 – 21, and 26** ought to now be allowed. Although not discussed with the Examiner, **Claims 29 – 31**, which now depend from independent **Claim 11**, are patentably distinct and non-obvious in view of the cited sections of *Zhuang* and are allowable for at least the same reasons set forth above for **Claim 11**.

iv. **CONCLUSION**

Applicant now believes the present case to be in condition for allowance, and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application the undersigned can be reached at (408) 737-7200 x124.

Respectfully submitted,
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